

### **REMARKS**

Claims 1-4, 11-12 and 14-20 have been cancelled. Claims 5-10 and 13 remain pending in the application.

The Examiner objected to the specification because the title did not comply with 37 CFR 1.72(a) and MPEP 606.

The title has been amended accordingly.

The Examiner rejected claims 1-3, 15-17 and 20 under 35 U.S.C. 102(b) as being fully anticipated by Snyder (6389268).

Claims 1-3, 15-17 and 20 have been cancelled.

The Examiner rejected claims 4, 6-11, 14, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Snyder (6389268).

Claims 4, 11, 14, 18 and 19 have been cancelled. Claims 6 and 10 have been amended.

Claim 6 has been amended to include the limitations of parent claim 1 and to more clearly claim the invention. With respect to claim 6, the Examiner states that "Snyder further teaches for example in fig.4, said mounting arm (54) further comprises a piece (frame portion (fig. 4, not labeled) of arm 54 surrounding the optical element 56) positioned at an end portion (54b) thereof, said piece for engaging said optical lens in an engagement, thereby to support said optical lens in a position thereof (col. 3, ln. 59-62). But, Snyder fails to explicitly teach said piece is a clamping piece and engaging said optical lens in a clamping engagement." The Examiner goes on to assert that, "the office interprets the frame portion (fig.4, not labeled) of arm (54) surrounding the optical element (56) to clamp the edge of the optical element (56) and therefore teach the claimed limitation." Furthermore, the Examiner asserts that, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

teachings of Snyder to include engaging said optical lens in a clamping engagement to secure the optical element, as taught by Snyder (col.3, ln. 54-55)."

The Applicant respectfully asserts that it is incorrect for the office to interpret the frame portion of the arm (54) surrounding the optical element (56) to engage the optical element (56) in a clamping engagement. Nothing in Snyder teaches or suggests that the optical element (56) is detachable from the arm (54). Moreover, there is nothing in Snyder to suggest that any piece of the claimed device is detachable from the cradle (52). Instead, Snyder's entire invention is depicted as a single unit with the optical element (56) firmly affixed to the frame portion. The device shown in Snyder contains no reason for detaching the optical element (56). Even assuming, for the sake of argument, that the optical element (56) could be removed there is no practical reason for doing so as the frame portion would remain in place obstructing the view of the display. Still further, the frame portion completely surrounds the periphery of the optical element (56) and does not provide a means to allow for the clamping of the optical element (56) to the frame portion.

Being as there is no teaching, inference or in any way a suggestion that the optical element (56) is detachable from the frame portion and every indication that the device is a single unit, Applicant asserts that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Snyder to include engaging said optical lens in a clamping engagement to secure the optical element. Applicant therefore, respectfully asserts that claim 6 is allowable and additionally, that claims 7-9 which depend from claim 6 are also allowable.

With respect to claim 10, the Examiner states that, "Snyder further teaches for example in fig. 4, the portable radio communication station (12) further defines a back surface (back side of 12, not labeled), the back surface opposed to the face surface, and wherein said mounting arm (54) comprises a first elongated mounting arm piece (54c) and a mounting arm extension piece (52, wherein the office interprets the cradle 52 to be an extension of the arm 54), said mounting arm extension piece (52) positionable along the back surface (wherein the office interprets the cradle to extend around the sides and portions of the back surface of telephone 12) of the

portable radio communication station and wherein the portable radio communication station (12) further defines a side surface (side of 12, not labeled) extending between the face surface and back surface and wherein said first elongated mounting arm piece (54c) is positionable (col.3, ln. 58-62, wherein the office interprets "maneuverable to any of a plurality of positions" to teach the claimed limitation) to extend along the side surface of the portable radio communication station."

With respect to claim 14, the Examiner goes on to state that, "Snyder further teaches for example in fig. 4, said mounting arm extension piece (52, wherein the office interprets the cradle 52 to be an extension of the arm 54) further comprises an affixation mating part (52, col. 3, ln. 50-51), said affixation mating part for engaging with the portable radio communication station to engage together said mounting arm with the portable radio communication station (col. 3, ln. 50-51)."

Claim 10 has been amended to include the limitations of parent claim 1, dependent claims 11, 12 and 14 and also to more clearly claim the invention. While Applicant agrees with the office interpretation that the cradle (52) extends around the sides and portions of the back surface of telephone (12), Applicant respectfully asserts that the office interpretation that the cradle (52) is an extension of the arm (54) is incorrect. Furthermore, Applicant asserts that the Examiner's position that Snyder teaches the affixation mating part limitation of claim 14 is without merit. The cradle (52) of Snyder is hardly equivalent to the arm extension of Applicant's claimed invention but more aptly is a sleeve into which the telephone (12) of Snyder slides into. Applicant agrees that the cradle (52) is attached to the arm (54) but argues that it is not an extension of the arm (54). The cradle (52) performs an entirely different function from the cradle (52). The cradle (52) holds the phone while the arm (54) holds and positions the optical element (56) and is merely attached to the cradle (52). Moreover, Snyder fails to teach or suggest any type of affixation mating part as described in Applicant's claimed invention. As argued, the cradle holds the phone (12) while Applicant's claimed invention is affixed to the phone (12). In fact, if one were to follow the office interpretation that the cradle (52) was an extension of the arm (54) then there would be no need for an affixation mating part as the cradle (52) would envelope the telephone (12) obviating the need for the affixation mating part.

Applicant respectfully asserts that claim 10 is allowable as amended.

The Examiner rejected claims 5 and 12 under 35 U.S.C. 103(a) as being unpatentable over Snyder (6389268) as disclosed above in view of Ringdahl (6476984).

Claim 5 was amended and claim 12 was cancelled.

Claim 5 was amended to include the limitations of parent claim 1, the limitations of currently amended claim 10 and to more clearly claim the invention. Claim 5 is allowable in as much as it includes the limitations of amended claim 10 as previously asserted.

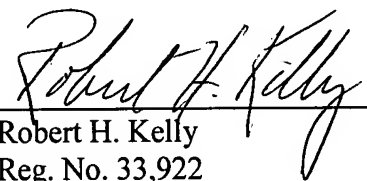
The Examiner objected to claim 13 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 has been so amended.

Applicant asserts that the claims as amended are allowable. Applicant respectfully requests that the Examiner remove the rejections and place the claims in condition for allowance.

Respectfully submitted,

Dated: 16 Feb 05

  
Robert H. Kelly  
Reg. No. 33,922

SCHEEF & STONE, L.L.P.  
5956 Sherry Lane, Suite 1400  
Dallas, Texas 75225  
Telephone: (214) 706-4200  
Fax: (214) 706-4242  
[robert.kelly@scheefandstone.com](mailto:robert.kelly@scheefandstone.com)